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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,852	10/08/1999	JEFFREY S. GILCHRIST	0500.9909081	5384

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/415,852

Applicant(s)

GILCHRIST, JEFFREY S.

Examiner

Christopher J Brown

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-16,18-26,28-30,32-39,41,42 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7-16, 18-26, 28-30, 32-39, 41, 42, 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment of case 09415852 has been received and entered in the record.

Claims 1, 3, 4, 7-16, 18-26, 28-30, 32-39, 41, 42, 44-46 are pending in the case

Response to Arguments

2. Applicant's arguments filed 10/07/03 have been fully considered but they are not persuasive.

Applicant argues with respect to Examiner's rejection "The only time the animated image appears to change is when the animated image is clicked". The Examiner respectfully disagrees with the Applicant's argument. Sixtus discloses that when the button is clicked the animation changes, and "When the transaction is approved the animation changes once more". The Examiner cites Sixtus Col 4 line 62. The Examiner also cites Col 5 lines 18-30 as proof that the transaction is not approved until after the password has been entered. The consumer enters a password (one or more password characters) and in response, the system checks and approves the transaction, which in turn causes the animation to change (altering at least one feature of the animated image).

Claims 1, 3, 4, 7-9, 11, 12, 16, 18, 20, 21, 25, 26, 28-30, 32-34, 36, 39, 41, 42, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Sixtus US 5,903,721.

As per claim 1, Sixtus discloses a password entry method comprising prompting for the entry of a password and outputting a dynamic password entry interface legitimacy

information, (an animation), in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20).

See detailed reasoning of the first action on the merits for the reasoning on the remaining limitations.

Applicant's argument regarding claim 7, displaying the animated image prior to allowing input of a password is not shown by Sixtus. The examiner cites Sixtus Col 5 line 18, "In order to request a transaction a user simply has to click the embedded button and enter his pin", also described in Col 8 lines 1-17, specifically line 15 states "prompt the user via dialog box".

A customer is prompted via a dialog box for a password *in response* to clicking on an animated image button. The image is displayed prior to allowing input of the password.

As per claim 7, Sixtus discloses displaying the animated image prior to allowing input of a password, (Col 4 lines 58-64, Col 5 lines 18-20).

See detailed reasoning of the first action on the merits.

Applicant also argues against the Examiners rejection of claim 8. Applicant states that Sixtus does not show the animated image after allowing input of a password. However, the examiner cites Sixtus Col 4 line 62 "when the transaction is approved the animation changes once more" and Col 5 lines 18-27 describe the transaction being approved after the password has been answered.

As per claim 8, Sixtus discloses displaying the animated image after the password has been entered, (Col 4 lines 58-64, Col 5 lines 18-20).

Applicant also argues against the Examiners rejection of claim 12. Applicant states that Sixtus does not show storing a plurality of selectable animated images. The Examiner cites Sixtus Col 4 line 52, wherein the vendor has transaction request buttons indicating more than one. As previous rejection stated, these transaction buttons are animated figures.

As per claim 12, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be accessed as part of the password entry interface. Sixtus does teach selecting in response to user input one of a plurality of stored images for output on a display during the prompting for password entry, (Col 4 lines 58-64, Col 5 lines 18-20).

Applicant also argues against the Examiners rejection of claims 14, 23, and 27.

Applicant states that Suzuki does not teach password in conjunction with a 3D image.

The Examiner agrees that Suzuki does not teach password in conjunction with an image.

However the Examiner cites Sixtus as using an image in conjunction with a password in use with online commerce. Suzuki discloses use of 3D images in use with online

commerce so that "customers can easily understand the contents thereof", (Suzuki Col 11 lines 15-25).

It would be obvious to one skilled in the art to modify Sixtus's animated image transaction system with Suzuki's 3D images to provide the customer with an easier to understand interface.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 4, 9-11, 16, 18-21, 25, 26, 28-30, 32-34, 36, 41, 42, 44, 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Sixtus.

As per claims 3, 4, 9-11, 16, 18-21, 25, 26, 28-30, 32-34, 36, 41, 42, 44, 46 See detailed reasoning of the first action on the merits for the reasoning on the remaining limitations.

As per new claim 46 please see detailed reasoning of claim 1 rejected in first action merits.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2134

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus US 5,903,721 in view of Suzuki US 5,946,665.

As per claim 14, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21).

As per claims 13, 15, 22, 25, 35, 38, and 45, See detailed reasoning of the first action on the merits for the reasoning on the remaining limitations.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is 703-305-8023. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher J. Brown

11/5/03



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